

**CITY OF DUVALL
COUNCIL MEETING
April 12, 2007
7:00 P.M. - Duvall Fire Station**

Council Workshop 6:00 PM: UDR Amendments

The City Council Meeting was called to order by Mayor Ibershof at 7:24 P.M.

Council Present: Gérard Cattin, Jeffrey Possinger, Keith Breinholt, Dianne Brudnicki,
Gary Gill, Heather Page, Glen Kuntz.

Staff Present: Cari Hornbein, Steven Leniszewski, Glenn Merryman, John Lambert,
Bruce Disend, Lara Thomas, Todd Hall, Jodee Schwinn.

I. Additions or Corrections to the Agenda:

Under Consent Agenda add: Payroll in the amount of \$235,235.38; Claims in the amount of \$195,023.38; Under New Business add: Agenda Bill AB07-28 a resolution and preliminary approval of the property known as the South UGA Annexation Area, and directing staff to forward the application to the KC Boundary Review Board. Councilmember Jeffrey Possinger requested approval of amendment to the Council Procedures be added to the consent agenda. Councilmember Glen Kuntz requested that Agenda Bill AB07-29, an Ordinance related to land use and zoning, and establishing a moratorium on the filing of applications for development permits and approvals within R-6 and R-8 zones, be added as Item #3 under New Business. Councilmember Jeffrey Possinger asked that a vote be taken on adding Agenda Bill AB07-29. Councilmember Heather Page requested a roll call vote be taken on the motion. *The motion to add Agenda Bill AB07-29 to the agenda passed. (5 ayes -Cattin, Brudnicki, Breinholt, Gill, Kuntz) (2 naves - Possinger, Page).* Under Council add: Councilmember Jeffrey Possinger.

II. Adoption of Council Agenda:

It was moved and seconded (Possinger- Cattin) to adopt the 4-12-07 Council Agenda. The motion carried . (7 ayes).

III. Comments from the Audience:

There were no comments from the audience.

IV. Approval of Consent Agenda:

It was moved and seconded (Possinger-Breinholt) to approve the consent agenda which included Payroll in the amount of \$235,235.38; Claims in the amount of \$195,023.38; the

Council Meeting Minutes of 3/22/07; and approving the amendment to the Council Procedures regarding Public Hearing Procedures. The motion carried. (7 ayes).

V. **Presentation:** *None*

VI. **Scheduled Items:**

1. **Committee Reports:**

Committee reports will be given at the second Council Meeting of each month.

2. **Mayor:**

Mayor Ibershof issued a proclamation proclaiming May 3, 2007, as a National Day of Prayer in Duvall, Washington. He presented Valerie Carrier of the Duvall Church with a copy of the proclamation. Mrs. Carrier announced that a public prayer ceremony will be held on May 3rd at the park near the Duvall Police Station at noon. She invited everyone to join them at the ceremony that day to pray for our Nation.

3. **Council:**

Councilmember Jeffrey Possinger announced that he has been appointed to the King Conservation District Advisory Board. He also reported that on March 28th he attended a meeting sponsored by the Cascade Land Conservancy regarding Transfer Development Rights (TDR), and it was his conclusion that here in Duvall, because of the proximity of the City to all of the rural land regulated by King County, that there is limited opportunity to utilize this land and conservation tool.

4. **Staff:**

Duvall Fire Chief, John Lambert, did not have a report. He did, however, thank everyone in attendance at the meeting tonight for cooperating with the meeting room capacity issues.

VII. **Public Hearing:** **Annexation of the South UGA Annexation Area**

7:33 p.m. The Public hearing was opened.

City of Duvall Associate Planner, Lara Thomas, gave an update on the history of the annexation plan and the proposed annexation.

Eric Campbell, CamWest LLC, applicant, 9720 NE 120th Place, Suite 100, Kirkland, gave a power point presentation detailing the development that CamWest is proposing for the annexed area.

Chuck McWilliams, Vice President of Lake Washington Technical College and resident of Duvall, gave a presentation on the college and the proposed branch campus in Duvall. He said they are very excited about having a branch campus in the City of Duvall.

Bill Adamo, 32240 NE 50th Street, Carnation, Director of Business and Operations for the Riverview School District, stated that the College did consult with the Riverview School District in the planning phase for its programming. The Riverview School District does believe that any enhanced education for young adults and adults would be advantageous to the community.

Lyle Dick, 15622 Manion Way, Duvall, state he believes this annexation of the South UGA and the zoning that goes with it, doesn't sound like a very good idea to him. He feels that the proposed development added to the other current developments happening in that area, could result in over 2000 additional people. He asked the City to please take another close look at this proposal and annexation to the City. He recommends holding up the annexation and giving it some more thought and consideration to make sure that what is done is the right thing and what is best for our community.

Jeff Jetter, 27330 NE 143rd Court, Duvall, member of Glen Cairn Homeowners Association, emphasized that the South UGA Annexation will impact all residents of Duvall for many years. He reported that many of the Duvall residents he surveyed had little or no understanding of any of the issues of this annexation and rezone project. The Glen Cairn Homeowners Association recommends the city postpone this hearing for two weeks and conduct a weekend public information workshop to provide an opportunity for residents to learn more about this annexation and rezone, and to voice an informed opinion at a public hearing on April 26th.

Darrell Mitsunaga, Jones, Monroe, Mitsnaga, 2004 223rd Place NE, Sammamish, a law firm representing Rio Vista LLC, said this proposal is not new. It has been going on for a considerable amount of time. As it relates to the public process that has occurred, this was initially implemented in the 2004 Comp. Plan. At that time there was public process, public comment, and public hearings. He respectfully requests that the City Council should be considering whether this annexation meets the 2006 annexation policy in terms of compliance.

John Pennington, 28120 NE 147th Place, Duvall, stated that last week the Duvall Planning Commission voted 4-3 against this annexation. He feels that should compel the Council to slow it down. He has personally experienced good, bad, and ugly development, and he doesn't think this is a very good plan. He stated that the city has met the public process, but that people are just now starting to understand the impacts of this development. He also commented that colleges do not pay property taxes and should not be an anchor for the city. He is concerned with the traffic impacts and the environmental impacts.

Becky Nixon, 28604 NE 151st Place, Duvall, said she almost concurs with the Planning Commission's vote to not approve the annexation. Her number one main reason is increased traffic, and on a lesser note, the lack of better use of this property. The main concerns of the citizens of Duvall are traffic and growth. She commented that too much residential will drain the general fund, and commercial growth is the City's key

component. The City must have a new traffic plan for downtown, a new bypass, or some partnership with King County to find a solution to this traffic problem. She asked Council to please make sure their decisions are to the betterment of the community.

Maurie Combs, 27231 NE 144th, Duvall, resident of the Sunset Heights neighborhood, stated that traffic is their main concern. They have no sidewalks. He is proposing that there be emergency access only at the end of 272nd. This proposed annexation and development will bring a lot of traffic through their neighborhood.

Doug Rees, 26910 NE Stella Street, Duvall, said he has been following this project for quite awhile and is not surprised to see this controversy. He wants to submit four ideas for consideration for the project. He asked that the city consider R-8 zoning, he also stressed that high density housing along with low density roads are a big problem, and this must be addressed. He also encouraged the city to keep the City Hall in downtown. Lastly, he believes that the city needs to make the economic development effort a full-time position.

Skylar Hanson, 13920 - 282nd Court NE, Duvall, said he is in favor of the proposal. There is a new and bold chance for change under discussion this evening, and he believes this unprecedented opportunity to locate a college in Duvall will add significance and much needed vitality to our community in the future. He urged Council to pass the South UGA Annexation and pre-zoning proposal.

Terry Bronson, 15514 Manion Way NE, Duvall, said it is difficult to adequately understand the potential impacts of the proposed annexation. She commented that the combined new development, along with all of the other development, will significantly increase the population of the city. She is also concerned with the increase in traffic that this will all bring. The development will not benefit the downtown area. The increased growth will undoubtedly change the nature of Duvall. It is too much too soon.

Michael Reid, representative of Rio Vista LLC, 40 Lake Bellevue #100, Bellevue, stated he became aware of this proposal over a year and a half ago, and he has worked very closely with the city and staff on this. This proposal is consistent with the city's Comprehensive Plan. The city has also conducted a long and thorough public process and has gone to great lengths to educate the public. He stressed that Duvall has an opportunity to grab a strong asset for its community, and the city should be grabbing that opportunity.

A.E. Jones, 27026 NE Big Rock Road, Duvall, bought his property 37 years ago. His cows used to wander in the property that was forest before the Glen Cairn development and he pastured his cows down at the property where Safeway is. He doesn't see that bringing Safeway to town harmed Duvall at all. He thinks that Duvall needs this property for tax purposes and to help pay the bills, and he speaks in favor of the annexation.

Kirby Wilbur, 14924 - 283rd Place NE, Duvall, is in favor of the annexation. He commented on the projected population increase to the Puget Sound area over the years

to come, and that not all of those people will be living in Seattle. He believes the Lake Washington Technical College will be an asset to the community. Duvall needs a diversified base, and we will regret it if we do not allow it to happen.

Paula McDonald, 15712 1st Avenue NE, Duvall, and owner of P&G Speakeasy Café, said she has owned her business in downtown Duvall for 9 years. In those 9 years, the main topic of conversation has always been how to get more business in Duvall. She asked that the city get the college here as fast as they can.

Hillarie Cash, 15725 – 4th Avenue NE, Duvall, supports the annexation proposal. She thinks that bringing the college here is exactly what the city needs for the future of Duvall. It will provide stimulation both economically and culturally.

Kate Mylroie, 14224 – 274th Pl NE, Duvall, said she just recently purchased her home in Glen Cairn. They looked at houses all over before they decided on Duvall. They are very concerned about the traffic and the impacts this proposal will have on Duvall. She also doesn't believe people will come all the way out to Duvall to attend the college.

Kosal Chea, 14224 – 274th Pl NE, Duvall, stated his biggest concern is the R12 zoning. They liked the small town atmosphere that Duvall had. First impressions are very important and he doesn't believe aesthetically that the city should be putting R12 housing right up on the hill.

Pam Reim, 16310 – 197th Avenue NE, Woodinville, and President Duvall Chamber of Commerce, read a letter from Lisa Yeager, the Director of the Sno-Valley Senior Center, in support of the proposed annexation and the Lake Washington Technical College branch campus proposal in Duvall.

Linda Dowden, 15828 Manion Way, Duvall, said she believes that bringing a college to Duvall would provide access to higher education to people that haven't had it before. Not just for the residents of Duvall, but also for Monroe, Sultan, and other outlying areas. She also emphasized that the Lake Washington Technical College is a flagship of technical education in the Pacific Northwest, and its accreditation is phenomenal. She urged the Council not to pass up this opportunity.

Ron Rassmussen, 27228 NE 143rd Ct., Duvall, feels the public process for this proposal has failed. He also doesn't feel the city has met the promises they made to the community and neighborhoods. He asked the Council to stand up to their promises, stand up for their Planning Commission, their citizens, the Annexation Plan and the city's Comp. Plan, and not to send this proposal to the Boundary Review Board.

Paul Newson, 27227 NE 143rd Ct., Duvall, said he doesn't recall getting any notification of this proposal. Every mailing he received mentioned CamWest, and their proposal, but he doesn't remember the notices discussing the property immediately adjacent to the Glen Cairn neighborhood. He feels the small block of R12 property that is adjacent to the CamWest project has not been given the same amount of thought and planning as the

CamWest project. If the city is going to annex the whole thing in, then the same amount of thought and planning should be given to all of it.

Ty Waude, 2365 – 132nd Avenue SE, Bellevue, stated he is in favor of the annexation. He said until recently, the city has not been able to utilize the plans and policies that they have worked so long to develop. He is ecstatic that the college is coming to Duvall. He urged the Council to go with what they have been working on for the past years. It is a good plan.

Craig Rexroat, 27315 NE 143rd Ct., Duvall, stated he is concerned over the declining values of their existing homes near the proposed annexation, especially while construction is going on. He is also concerned that there will be an increase in crime, and an increase in traffic in their neighborhood.

Christopher Rocchio, 27308 NE 143rd Ct., Duvall, a Glen Cairn resident for 10 years, said that he is concerned over the proposed development and ramifications of this annexation. He opposes the annexation and all that goes along with it. He opposes the R12 zoning next to the existing R3 zoning. He feels the city has failed in providing clear communication to the citizens of Duvall. He feels there will be a loss of peace and quality of life, and an increase in crime and traffic.

Curtis Graves, 27229 NE 143rd Pl, Duvall, said that he understands that growth is necessary and that development will happen, but he disagrees with the South UGA Annexation. He stated not one person from the city has reached out to contact the Glen Cairn Homeowners Association regarding this project. The decisions that Council makes today will have a long-term impact on the community that cannot be reversed. Proposing R12 multi-family housing so far away from services, bus access, and the retail core is contrary to the objectives of Duvall's Vision Plan. He highly recommends that Council vote no on the annexation plan.

James Burton, 27066 NE 143rd Place, Duvall, has lived in Duvall for 20 years and watched the Glen Cairn Estates get developed. He thinks the city has done an excellent job with the Comp. Plan. He also commented that he has received public notification throughout this process. He supports this annexation.

Bill Forman, 27316 NE 143rd Ct, Duvall, is not happy with R12 being proposed in a neighborhood that has historically been R2 and R3. He commutes for more than an hour to work and he could live elsewhere, but he enjoys living in Duvall. He would like to keep the small town feel, low crime rate, and abundant wildlife in the area. He urged the Council to take more time. He thinks there's a lot more options out there for the use of that property.

Michael Brooks, 600 University St, Seattle, Vice President of Development for Washington Holdings LLC, spoke in favor of the annexation. His company is the contract purchaser of the vacant Safeway land. They purchased that land in part because of the annexation and proposed development. They have worked with CamWest in the

past and believe them to be an outstanding development organization. The technical college provides a truly unique opportunity for Duvall.

Gary Willett, 27065 NE 143rd Pl, Duvall, has been a resident for 25 years. He is in favor of the annexation. He stressed that everyone has gone through a lot in the years that it has taken to come up with this plan, and he would like to see it proceed as scheduled.

Eric Campbell, the applicant from CamWest, and Chuck McWilliams from the Lake Washington Technical College responded briefly to some of the issues raised. Eric Campbell requested that it be noted for the record that a letter signed by 32 residents of the Glen Cairn neighborhood was sent to the City of Duvall in September of 2006 regarding this proposal.

Steve Leniszewski, Duvall Public Works Director, spoke to some of the transportation issues and explained some of the transportation reports and studies that were used to consider the traffic impacts. He also pointed out that a lot of the traffic concerns are more of a regional issue and noted that the city has council members representing Duvall on various regional boards to address our traffic issues.

Cari Hornbein, Duvall Planning Director/City Hall Administrator, explained that unlike many annexations, with this annexation the city has an opportunity to step into a project where we already know what we are getting. A lot of times with an annexation, you never know what you will end up getting. This is an opportunity to create a very well planned center. It is a once in a lifetime opportunity for a city of this size and it should be embraced. Regarding density, Cari noted that staff is currently working on amendments to the city's Development Regulations and Design Standards to address this. They are taking great care in developing those regulations so that when those projects come online, we will have a good product.

Lara Thomas, Duvall Associate Planner, responded to the concerns brought up over the public process. She noted that the city went beyond the minimum legal requirements when they noticed this project. She emphasized that the city has met their obligation for the public notification requirements.

Letters submitted for the record by the following individuals:

Peter Luhrs, 27026 NE 156th St., Duvall - Against the annexation.

Jeff Jetter, 27330 NE 143rd Ct., Duvall - Against the annexation.

Ronald & Cindy Rasmussen, 27228 NE 143rd Ct., Duvall - Against the annexation.

Frances & Michael Troia, 27307 NE 143rd Ct., Duvall - Against the annexation.

Skylar Hansen, 13920 282nd Ct. NE, Duvall, - In support of the annexation.

Lisa Yeager, Director Sno-Valley Senior Center, PO Box 96, Carnation - In support of the annexation.

Rio Vista LLC, PO Box 1282, Bellevue - In support of the annexation.

Dianne Brudnicki, - Research notes related to the college.

Homeowners of Sunset Heights - Request for emergency access only at 272nd.

9:44 p.m. The Public Hearing was closed.

Public Hearing: Annexation pre-zoning to establish R-12 and MU-I zone districts in the South UGA Annexation Area

9:44 p.m. The Public Hearing was opened.

Associate Planner, Lara Thomas, gave a brief overview of the proposed pre-zoning of the annexation. She stated that staff is recommending that at this time public testimony be given. She also reported that a second public hearing on the proposed pre-zoning is required. That public hearing will be held on May 24, 2007.

Marsha Martin, representing CamWest, concurred that according to State Law and under the Growth Management Act, the State requires that zoning be consistent to the Comp. Plan. She stated that CamWest supports staff's recommendation.

Darrell Mitsunaga, Jones, Monroe, Mitsunaga, 2004 – 223rd Place NE, Sammamish, a law firm representing Rio Vista LLC, is in support of the annexation and believes it is consistent with the city's Comp. Plan, and in meeting the density requirements. He also urged Council to consider the property owners that reside in that area and the pre-annexation agreements.

Ron Rasmussen, 27228 NE 143rd Ct., Duvall, stated that the zoning in the area northwest of the CamWest Development is inconsistent with the Comp. Plan and the Annexation Plan. There is no transition, no buffer, and there is no consideration for the existing neighborhood. He would recommend not accepting that zoning and to go back and take another look at it.

Christopher Rocchio, 27308 NE 143rd Ct., Duvall, spoke to the multi-use high density development. He stated there are no light rail systems in the area, nor has he heard of any plans for additional metro service or depots, or any other means to alleviate the traffic congestions that will be produced by these high-density developments. He asked Council to re-evaluate the annexation itself, and the R12 zoning. Do what is appropriate and what is right.

Michael Reid, representative of Rio Vista LLC, 40 Lake Bellevue #100, Bellevue, reaffirmed his previous comments. He also stated that these concerns will be re-evaluated again when the actual land use action comes forward.

Greg Sweeny, 14204 - 274th Pl NE, Duvall, feels that CamWest has done an outstanding job and that the college will be a great asset to the community. He is concerned, however, with the R12 development coming up NE 143rd that there is no current plan. He asked council to consider transitioning from an R8 or R6 to R12 as the development moves down hill and approaches SR203 to the west.

Kate Mylroie, 14224 – 274th Pl NE, Duvall, spoke to the area considered the four corners and the R12 zoning. She feels this zoning will degrade the quality of life in Duvall. Why do we need R12 anywhere in the city? We are not an urban city. How can R12 be placed next to R4? That is a major difference.

Kosal Chea, 14224 – 274th Pl NE, Duvall, said that before they purchased their home in Glen Cairn they drove around quite a bit and never saw any signs in the month that it took them to close their home. He feels there hasn't been a lot of transparency with this public process.

Charlie Seese, 26933 NE 144th Pl, a nine-year resident of the City of Duvall, stated he is opposed to the R12 zoning which will abut his property. He is concerned that there is no guarantee of what will be built. He also doesn't understand why that density is being pushed to that particular area of the city that has historically always had a lower density.

City staff, Steven Leniszewski and Lara Thomas, briefly responded to concerns brought up regarding traffic, construction, and the noticing requirements that were followed.

Council asked for assurance from Mike Reid that he will speak with the neighboring homeowners from the Glen Cairn development.

Letters submitted for the record by the following individuals:

Peter Luhrs, 27026 NE 156th St., Duvall - Against the annexation and pre-zoning.

Jeff Jetter, address, Duvall - Against the annexation and pre-zoning.

Ronald & Cindy Rasmussen, 27228 NE 143rd Ct., Duvall - Against the annexation and pre-zoning.

Frances & Michael Troia, 27307 NE 143rd Ct., Duvall - Against the annexation and pre-zoning.

Skylar Hansen, 13920 282nd Ct. NE, Duvall - In support of the annexation and pre-zoning.

10:16 p.m. The Public Hearing was closed.

VIII. New Business:

1. (AB07-27) Approve the purchase of the Frykolm Property with a King Conservation District Grant and King Conservation Futures Grant. *It was moved and seconded (Page-Possinger) to approve the purchase of the Frykolm Property with a King Conservation District Grant and King Conservation Futures Grant. The motion carried. (7 ayes).*

2. (AB07-28) Resolution #07-05 preliminarily approving the annexation of 108.71 acres of land to the city, the property known as the South UGA Annexation, located in the Southern Urban Growth Area of the city, and direct staff to forward the application to the King County Boundary Review Board. *It was moved and seconded*

(Cattin-Gill) to pass Resolution #07-05 Preliminarily approving the Annexation of the property known as the South UGA Annexation, and directing staff to forward the application to the King County Boundary Review Board.

The Council was in support of moving forward with the annexation. Each Councilmember stated their reasons supporting their decision to move forward.

Mayor Ibershof thanked everyone for coming out to the meeting.

The motion to pass Resolution #07-05 carried. (7 ayes).

3. (AB07-29) Ordinance #1050 relating to land use and zoning, and establishing a moratorium of the filing of applications for development permits and approvals within the R-6 and R-8 zones. *It was moved and seconded (Gill-Kuntz) to adopt Ordinance #1050 relating to land use and zoning, and establishing a moratorium of the filing of applications for development permits and approvals within the R-6 and R-8 zones. Councilmember Page called for a roll call vote. The motion carried. (5 ayes - Cattin, Breinholt, Brudicki, Gill, Kuntz) (2 nays -Possinger, Page).*

IX. **Executive Session:** *None*

X. **Adjournment:**
It was moved and seconded (Cattin-Possinger) to adjourn the meeting. The meeting adjourned at 11:16 p.m.

Signed _____
Mayor Will Ibershof

Attest _____
Jodee Schwinn, City Clerk